

transport, or handle NRC classified information at any location in connection with Commission related activities shall promptly request an NRC facility clearance. This specifically includes situations where a licensee, certificate holder or other person needs a contractor or consultant to have access to NRC classified information. However, it is not necessary for a licensee, certificate holder or other person to request an NRC facility clearance for access to another agency's classified information at that agency's facilities or to store that agency's classified information at their facility, provided no NRC classified information is involved and they meet the security requirements of the other agency. If NRC classified information is involved the requirements of § 95.17 apply.

(b) The request must include the name of the facility, the location of the facility and an identification of any facility clearance issued by another government agency. If there is no existing facility clearance, the request must include a security Standard Practice Procedures Plan that outlines the facility's proposed security procedures and controls for the protection of classified information, a floor plan of the area in which the matter is to be used, processed, stored, reproduced, transmitted, transported or handled; and Foreign Ownership, Control or Influence information.

(c) NRC will promptly inform applicants of the acceptability of the request for further processing and will notify the licensee or other person of their decision in writing.

[45 FR 14483, Mar. 5, 1980, as amended at 48 FR 24321, June 1, 1983; 50 FR 36984, Sept. 11, 1985; 59 FR 48974, Sept. 23, 1994; 62 FR 17691, Apr. 11, 1997]

#### **§ 95.17 Processing facility clearance.**

(a) Following the receipt of an acceptable request for facility clearance, the NRC will either accept an existing facility clearance granted by a current CSA and authorize possession of license or certificate related classified information or process the facility for a facility clearance. Processing will include—

(1) A determination based on review and approval of a Standard Practice

Procedure Plan that granting of the Facility Clearance would not be inconsistent with the national interest, including a finding that the facility is not under foreign ownership, control, or influence to such a degree that a termination could not be made;

(2) An acceptable security review conducted by the NRC;

(3) Submitting key management personnel for personnel clearances (PCLs); and

(4) Appointing a U.S. citizen employee as the facility security officer.

(b) An interim Facility Clearance may be granted by the CSA on a temporary basis pending completion of the full investigative requirements.

[62 FR 17692, Apr. 11, 1997]

#### **§ 95.18 Key personnel.**

The senior management official and the Facility Security Officer must always be cleared to a level commensurate with the Facility Clearance. Other key management officials, as determined by the CSA, must be granted an access authorization or be excluded from classified access. When formal exclusion action is required, the organization's board of directors or similar executive body shall affirm the following, as appropriate.

(a) Officers, directors, partners, regents, or trustees (designated by name) that are excluded may not require, may not have, and can be effectively excluded from access to all classified information disclosed to the organization. These individuals also may not occupy positions that would enable them to adversely affect the organization's policies or practices in the performance of activities involving classified information. This action will be made a matter of record by the organization's executive body. A copy of the resolution must be furnished to the CSA.

(b) Officers, directors, partners, regents, or trustees (designated by name) that are excluded may not require, may not have, and can be effectively denied access to higher-level classified information (specify which higher level(s)). These individuals may not occupy positions that would enable them to adversely affect the organization's policies or practices in the protection

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of classified information. This action will be made a matter of record by the organization's executive body. A copy of the resolution must be furnished to the CSA.

[62 FR 17692, Apr. 11, 1997]

#### **§95.19 Changes to security practices and procedures.**

(a) Except as specified in paragraph (b) of this section, each licensee, certificate holder or other person shall obtain prior CSA approval for any proposed change to the name, location, security procedures and controls, or floor plan of the approved facility. A written description of the proposed change must be furnished to the CSA with copies to the Director, Division of Security, office of Administration, NRC, Washington, DC 20555-0001 (if NRC is not the CSA), and the NRC Regional Administrator of the cognizant Regional Office listed in appendix A of part 73. The CSA shall promptly respond in writing to all such proposals. Some examples of substantive changes requiring prior CSA approval include—

(1) A change in the approved facility's classified mail address; or

(2) A temporary or permanent change in the location of the approved facility (e.g., moving or relocating NRC's classified interest from one room or building to another).

(b) A licensee or other person may effect a minor, non-substantive change to an approved Standard Practice Procedures Plan for the safeguarding of classified information without receiving prior CSA approval, provided prompt notification of such minor change is furnished to the addresses noted in paragraph (a) of this section, and the change does not decrease the effectiveness of the Standard Practice Procedures Plan. Some examples of minor, non-substantive changes to the Standard Practice Procedures Plan include—

(1) The designation/appointment of a new facility security officer; or

(2) A revision to protective personnel patrol routine, provided the new rou-

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tine continues to meet the minimum requirements of this part.

[50 FR 36984, Sept. 11, 1985, as amended at 52 FR 31613, Aug. 21, 1987; 54 FR 53316, Dec. 28, 1989. Redesignated and amended at 62 FR 17692, Apr. 11, 1997]

#### **§95.20 Grant, denial or termination of facility clearance.**

The Division of Security shall provide notification in writing (or orally with written confirmation) to the licensee or other organization, of the Commission's grant, acceptance of another agency's Facility Clearance, denial, or termination of facility clearance. This information shall also be furnished to representatives of the NRC, NRC licensees, NRC certificate holders, NRC contractors, or other Federal agencies having a need to transmit classified information to the licensee or other person.

[62 FR 17692, Apr. 11, 1997]

#### **§95.21 Withdrawal of requests for facility clearance.**

When a request for facility clearance is to be withdrawn or canceled, the requester shall notify the NRC Division of Security immediately by telephone so that processing for this approval may be terminated. The notification must identify the full name of the individual requesting discontinuance, his position with the facility, and the full identification of the facility. The requestor shall confirm the telephone notification promptly in writing.

[62 FR 17692, Apr. 11, 1997]

#### **§95.23 Termination of facility clearance.**

(a) Facility clearance will be terminated when—

(1) There is no longer a need to use, process, store, reproduce, transmit, transport or handle classified matter at the facility; or

(2) The Commission makes a determination that continued facility clearance is not in the interest of national security.

(b) When facility clearance is terminated, the licensee or other person will